

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

JEFFREY BILYEU, et al.,)
)
)
Plaintiffs,)
)
) Case No. 3:21-cv-352
v.)
)
) Judge Atchley
)
UT-BATTELLE, LLC,) Magistrate Judge Guyton
)
Defendant.)
)

ORDER

Before the Court is Plaintiffs' Motion to Present Expert Testimony Via Sworn Declaration [Doc. 34]. For the reasons discussed herein, the motion is **GRANTED**. Plaintiffs must file such declaration(s) by the supplemental filing deadline of **Friday, October 22, 2021 at 5:00 p.m. ET**.

It is true that, at the preliminary injunction stage, courts generally maintain the discretion to consider or rely upon certain evidence that would not be permissible at trial. Courts within this jurisdiction have explained "the Federal Rules of Evidence generally do not apply to preliminary injunction hearings." *House of Bryant Publ'ns, LLC v. City of Lake City*, No. 3:14-cv-93, 2014 WL 5449672, at *10 n.11 (E.D. Tenn. Oct. 22, 2014); *see Fidelity Brokerage Servs. LLC v. Clemens*, No. 2:13-cv-239, 2013 WL 5936671, at *5 (E.D. Tenn. Nov. 4, 2013) (explaining that, generally, "district courts within this circuit have not required stringent adherence to rules of evidence when reviewing petitions for injunctive relief"). To encourage a more complete understanding of this matter, the Court will allow either party to submit declarations as described in Plaintiffs' motion. [Doc. 34].

In accordance with this Court's previous order [Doc. 30], all parties must submit any

affidavits, declarations, or other written statements to be considered in the record no later than 5:00 p.m. on October 22, 2021. This deadline ensures the Court has adequate time to review the record. Further, it protects both parties against the possibility of unfair surprise where cross-examination is not possible.

Thus, the Motion [Doc. 34] is **GRANTED**. Further, all parties must submit any declarations, affidavits, or other statements, regardless the *type* of witness they are offered from, by the supplemental filing deadline of **Friday, October 22, 2021 at 5:00 p.m. ET**.

SO ORDERED.

/s/ Charles E. Atchley, Jr.

CHARLES E. ATCHLEY JR.
UNITED STATES DISTRICT JUDGE